

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

UNIVERSITY OF NEBRASKA AT  
KEARNEY, BOARD OF REGENTS OF  
THE UNIVERSITY OF NEBRASKA,  
DAVID L. BRANDT, CHERYL  
BRESSINGTON, CHRISTY HORN, GAIL  
ZELLER,

Defendants.

**4:11CV3209**

**MEMORANDUM AND ORDER**

As requested in the parties' motion, (filing no. 125), which is hereby granted,

IT IS ORDERED that the final progression order is as follows:

- 1) The jury trial of this case is set to commence before John M. Gerrard, United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on **May 26, 2015**, or as soon thereafter as the case may be called, for a duration of four (4) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on **May 12, 2015 at 11:00 a.m.**, and will be conducted by WebEx conferencing. To facilitate this conferencing method, the parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to [zwart@ned.uscourts.gov](mailto:zwart@ned.uscourts.gov), in either Word Perfect or Word format, by 5:00 p.m. on May 11, 2015. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx.
- 3) On or before September 16, 2014, the Defendants will review and produce electronically stored information ("ESI") responsive to the Defendants' proposed search terms.
- 4) The deadline for completing written discovery under Rules 33 through 36 of the Federal Rules of Civil Procedure is January 16, 2015. Motions to

compel Rule 33 through 36 discovery must be filed by January 30, 2015.

- 5) The deadlines for identifying expert witnesses expected to testify at the trial and deadlines for complete expert disclosures, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	December 17, 2014.
For the defendant(s):	January 20, 2015.
Any rebuttal expert(s):	February 2, 2015.

- 6) The deposition deadline is February 18, 2015.
- 7) The deadline for filing motions to dismiss and motions for summary judgment is March 11, 2015. The parties are advised, however, that the trial and pretrial conference may be continued on the court's own motion if dispositive motions are filed after February 9, 2015.
- 8) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is March 11, 2015.

August 28, 2014.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge